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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,392

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Klaus Worgull

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06/09/2010

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EXAMINER

HALL, COREY JOHN

ART UNIT

PAPER NUMBER

3743

NOTIFICATION DATE

DELIVERY MODE

06/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

striker@strikerlaw.com

Office Action Summary	Application No. 10/563,392	Applicant(s) WORGULL ET AL.	
	Examiner COREY HALL	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7 and 9-12 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 3/1/2010 have been fully considered but they are not persuasive. On page 9, lines 1-18, Applicant argues that adding the claim language "and further comprising" overcomes the rejections under 35 U.S.C. 112, first and second paragraphs. Applicant asserts that support for the first and second cold air switches in addition to the commonly actuatable cold air combination switch can be found on page 3, lines 25-30 of Applicant's specification. This is not persuasive. Applicant's figures 6-9 show a commonly actuatable cold air combination switch (16, 16.1, 16.2). Applicant's figure 1 shows a first cold air switch (10) and a second cold air switch (11). The Applicant did not disclose the configuration of figures 6-9 being combined with the configuration of figure 1. With regard to Applicant's assertion that page 3, lines 25-30 discloses the combination, the English version of Applicant's specification has a page three which ends at line 19. The asserted page 3, lines 25-30 does not exist in the English specification received on 6/20/2007. Additionally, the Examiner has again reviewed Applicant's specification and has not found support for the combination Applicant now asserts. When originally presented, independent claim 1 was generic, allowing the Applicant to claim features of figure 1 and figures 6-9 separately in dependent claims. Claim 1 has since been amended to claim the features of figures 6-9 and is no longer a generic claim. Claim 7 could not be examined because the application does not disclose how the limitations of

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claim 7 are combined with the limitations of claim 1. Therefore, the Applicant has failed to resolve the rejections to claim 7 under 35 U.S.C. 112, first and second paragraphs.

Claim Objections

3. Claims 1 and 12 are objected to because of the following informalities: in claim 1, line 10 “grip 8, 9,” should be changed to “grip (8, 9),” and in claim 12, lines 4-5 “the coaxial cold-air conduit (29) is formed by the barrel portion (5) and the central warm-air conduit (28)” should be changed because the central warm-air conduit (28) is not a structure and therefore cannot create the coaxial cold-air conduit (29) shown in Applicant's figure 9. The Applicant could change “the central warm-air conduit (28)” to “the hollow cylindrical barrel (30)”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 7 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites that a commonly actuatable cold air combination switch is located between the first and second handle grips and claim 7 additionally recites that a first cold air switch is located on the first handle grip and a second cold air switch is located on the second handle grip. Applicant's Figures 6-9 show a commonly actuatable cold air combination switch

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(16, 16.1, 16.2). Applicant's Figure 1 shows that a first cold air switch (10) is located on the first handle grip (8) and a second cold air switch (11) is located on the second handle grip (9).

However, the application fails to disclose an embodiment having both the commonly actuatable cold air combination switch located between the first and second handle grips as recited in claim 1 and a first cold air switch located on the first handle grip and a second cold air switch located on the second handle grip as recited in claim 7. Therefore, the Applicant has combined embodiments in a way that was not disclosed at the time the application was filed.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Applicant's application shows a first embodiment in Figure 6 having a commonly actuatable cold air combination switch (16) located between a first handle grip (8) and a second handle grip (9). Applicant's application shows a second embodiment in Figure 1 having a first cold air switch (10) located on a first handle grip (8) and a second cold air switch (11) located on a second handle grip (9). Applicant's application does not show the first and second embodiments being combined. Therefore, claim 7 is indefinite because it recites a first cold air switch is located on the first handle grip and a second cold air switch is located on the second handle grip while claim 1 provided a commonly actuatable cold air combination switch is located between the first handle grip and the second handle grip.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaeriyama (JP 03 009 703 A).

11. Regarding claims 1-6 and 10, Kaeriyama discloses a hand hair dryer (figs. 2 and 4) comprising: an electric fan (7, 8, fig. 4) and an electric heater (9, fig. 4), located in line with the electric fan (7, 8, fig. 4) for generating an air stream from a barrel portion (4, fig. 4), in which the fan (7, 8, fig. 4) is located in a housing portion (6, fig. 4) and the heater (9, fig. 4) is located inside the barrel portion (4, fig. 4), that on the housing portion (6, fig. 2), a first handle grip (5, fig. 2) that has operator control elements (30, fig. 2) is located at an angle of approximately 90° to the barrel portion (4, fig. 2), wherein the barrel portion (4, fig. 2) is embodied as a second handle grip (fig. 2 showing the barrel portion as a second handle grip) and a cold air combination switch (28, fig. 1 showing a switch 28 controlled by the operator control element 30 which is also shown in fig. 2, “main control switch 28 having . . . cold air” page 14, lines 10-16) is located between the first handle grip (5, figs. 1-2) and the second handle grip (4, figs. 1-2), and is configured to be actuated selectively from the first or second handle grip by direct contact between the cold air combination switch and one finger of a hand (fig. 2 showing a thumb operated control element 30 for cold air controllable by thumb from the first 5 or second 4 handle grips, page 9, lines 17-24 describing the operator control element 30 being operated by thumb from any part from the front of the handle which would include from the barrel portion and where this language is given little weight because it is functional language and the apparatus

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claim limitations read on the prior art) on either the first handle grip (5, fig. 2) or the second handle grip (4, fig. 2), wherein the second handle grip (4, fig. 4 showing the second handle grip 4 having a heat-insulated barrel 22) is heat-insulated (“insulation action of the barrel wall used for decreasing the surface temperature of the nozzle barrel 22” page 8, lines 8-24), wherein the barrel portion is heat-insulated from the outside (page 8, lines 8-24 describing achieving heat insulation by making the barrel portion with thicker walls which is in contrast to an internal cold-air conduit), wherein the second handle grip and the barrel portion are embodied as heat-insulated from the outside (fig. 4 showing the entire barrel portion including the second handle grip portion being heat-insulated from the outside, page 8, lines 8-24), wherein the second handle grip (4, figs. 1-2 showing the second handle grip shaped as a cylindrical barrel) is shaped cylindrically, wherein the first (5, fig. 2) and second handle (4, fig. 2) grips are each provided with a nonslip surface (fig. 2 showing antislip ribs on the first 5 and second 4 handle grips, “antislip rib 25” page 8, line 11), wherein a one-legged (32, fig. 2) toggle switch (30, figs. 1-2 showing the toggle switch 30 connected to switch 28) is provided as the cold air combination switch (page 14, lines 10-16).

12. Claims 1-2, 5, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Montagnino (US Patent No. 5,555,637 provided by Applicant in IDS dated 1/5/2006).

13. Regarding claims 1-2, 5, 9, and 12, Montagnino discloses a hand hair dryer (figs. 1-2) comprising: an electric fan (32, fig. 2) and an electric heater (30, fig. 2), located in line with the electric fan (32, fig. 2) for generating an air stream from a barrel portion (26, fig. 2), in which the fan (36, fig. 2) is located in a housing portion (18, 20, fig. 2) and the heater (30, fig. 2) is located inside the barrel portion (26, fig. 2), that on the housing portion (18, 20, fig. 2), a first handle grip

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(16, fig. 2) that has operator control elements (60, fig. 2) is located at an angle of approximately 90° to the barrel portion (26, fig. 2), wherein the barrel portion (26, fig. 2) is embodied as a second handle grip (14, fig. 2, col. 1, lines 47-59 describing it as common for users to grasp the barrel during drying and that this surface can be hot and col. 2, lines 22-27 describing the dryer having a flow guide that reduces the temperature of the barrel) and a cold air combination switch (62, fig. 2, col. 6, lines 20-26) is located between the first handle grip (16, fig. 2) and the second handle grip (14, fig. 2), and is configured (fig. 2 showing the cold air combination switch 62 being configured near the crux of the first 16 and second 14 handle grips and where this language is given little weight because it is functional language and the apparatus claim limitations read on the prior art) to be actuated selectively from the first (16, fig. 2) or second (14, fig. 2) handle grip by direct contact between the cold air combination switch (62, fig. 2) and one finger of a hand (col. 6, lines 20-26 describing a user selectively using the switch 62 and where it is implicit that the switch shown in figure 2 would be activated by one finger of the users hand) on either the first handle grip (16, fig. 2) or the second handle grip (14, fig. 2), wherein the second handle grip (14, fig. 2) is heat-insulated (fig. 2 at 40 showing a flow guide 40 to provide a lower temperature to the barrel, col. 1, lines 47-59 and col. 2, lines 22-27), wherein the second handle grip (14, fig. 3) is shaped cylindrically, wherein a pushbutton (62, fig. 2, col. 6, lines 20-26 describing the cold air combination switch 62 as being a spring loaded switch) is provided as the cold air combination switch, and wherein a centrally located warm-air conduit (fig. 2 at 42) and a coaxial cold-air conduit (fig. 2 showing a coaxial cold-air conduit between flow guide 40 and barrel portion 26, col. 4, lines 46-65 describing the co-axial cold-air conduit) are provided in the barrel portion (26, fig. 2), and the central warm-air conduit (fig. 2 at 42) is

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formed by a hollow-cylindrical barrel (40, figs. 2-3), in which the heater is located (30, fig. 2); that the coaxial cold-air conduit (fig. 2 between 40 and 26) is formed by the barrel portion (26, fig. 2) and the central warm-air conduit (fig. 2 at 42); that the central warm-air conduit (fig. 2 at 42) and the coaxial cold-air conduit (fig. 2 between 40 and 26) are acted upon by a cold air stream of the fan (36, fig. 2), and by means of the heater (30, fig. 2), a warm air stream outlet is effected out of the central warm-air conduit (fig. 2 at 42 showing an outlet for the warm air stream), and a cold air stream is effected from the coaxial cold-air conduit (fig. 2 between 40 and 26 for a cold air stream).

Claim Rejections - 35 USC § 103

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaeriyama (JP 03 009 703 A) as applied to claim 1 above, and further in view of Thaler et al. (US Patent No. 4,711,988 hereinafter Thaler et al. '988).

16. In regards to claim 9, Kaeriyama discloses the claimed invention, except for wherein a pushbutton is provided as the cold air combination switch. However, Thaler et al. '988 teaches wherein a pushbutton (20, 42, fig. 1 showing a cold air combination switch 20 that is a pushbutton having a cold air position 42, col. 2, line 61-64) is provided as the cold air combination switch in order to quickly cool air to set the hair (col. 1, lines 61-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Kaeriyama reference, to include wherein a pushbutton is provided as the cold air combination switch, as suggested and taught by Thaler et al. '988, for the purpose of providing

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quickly cooled air to set the hair. The Applicant is simply substituting one known element for another to obtain predictable results. The Applicant is simply substituting the known element of a cold air combination toggle switch as disclosed by Kaeriyama for the known element of a cold air combination pushbutton switch as taught by Thaler et al. '988 to obtain the predictable results of a cold air combination pushbutton switch. One would be motivated to combine Kaeriyama with Thaler et al. '988 because Thaler et al. '988 teaches a switch that can be easily controlled to provide cold air by pushing on the pushbutton switch and automatically return to a normal position when released and Kaeriyama could be similarly improved by using a pushbutton switch, thus making it easier to control the cold air and automatically return to a normal position when released.

17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaeriyama (JP 03 009 703 A) as applied to claim 1 above.

18. In regards to claim 11, Kaeriyama discloses the claimed invention, except for wherein two-legged toggle switch is provided as the cold air combination switch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the one-leg (32, fig. 2) to provide a two-legged toggle switch (30, figs. 1-2 showing the toggle switch 30 connected to switch 28) provided as the cold air combination switch (page 14, lines 10-16), for the purpose of further assisting the user with operating the toggle switch (page 9, lines 17-24), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

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19. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaeriyama (JP 03 009 703 A) as applied to claim 1 above, and further in view of Berryman (US Patent No.

3,612,824 previously cited in Notice of References Cited mailed 2/2/2009).

20. In regards to claim 12, Kaeriyama discloses the claimed invention, except for wherein a centrally located warm-air conduit and a coaxial cold-air conduit are provided in the barrel portion, and the central warm-air conduit is formed by a hollow-cylindrical barrel, in which the heater is located; that the coaxial cold-air conduit is formed by the barrel portion and the central warm-air conduit; that the central warm-air conduit and the coaxial cold-air conduit are acted upon by a cold air stream of the fan, and by means of the heater, a warm air stream outlet is effected out of the central warm-air conduit, and a cold air stream is effected from the coaxial cold-air conduit. However, Berryman teaches a centrally located warm-air conduit (fig. 3 at 97) and a coaxial cold-air conduit (74, fig. 3) are provided in the barrel portion (73, fig. 3), and the central warm-air conduit (fig. 3 at 97) is formed by a hollow-cylindrical barrel (66, fig. 3), in which the heater (108, fig. 3) is located; that the coaxial cold-air conduit (74, fig. 3) is formed by the barrel portion (73, fig. 3) and the central warm-air conduit (fig. 3 at 97); that the central warm-air conduit (fig. 3 at 97) and the coaxial cold-air conduit (74, fig. 3) are acted upon by a cold air stream of a fan (53, fig. 3), and by means of the heater (108, fig. 3), a warm air stream outlet is effected out of the central warm-air conduit (fig. 3 at 97), and a cold air stream is effected from the coaxial cold-air conduit (74, fig. 3) in order to prevent the user from being burned due to the heating of the barrel during extended use (col. 2, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Kaeriyama reference, to include a centrally located warm-air conduit and a coaxial

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cold-air conduit are provided in the barrel portion, and the central warm-air conduit is formed by a hollow-cylindrical barrel, in which the heater is located; that the coaxial cold-air conduit is formed by the barrel portion and the central warm-air conduit; that the central warm-air conduit and the coaxial cold-air conduit are acted upon by a cold air stream of the fan, and by means of the heater, a warm air stream outlet is effected out of the central warm-air conduit, and a cold air stream is effected from the coaxial cold-air conduit, as suggested and taught by Berryman, for the purpose of preventing the user from being burned due to the heating of the barrel during extended use. The Applicant is combining prior art elements according to known methods to yield predictable results. The Applicant is combining the prior art elements of a hair stylist type hair dryer with a barrel designed to prevent a user from being burned as disclosed by Kaeriyama with the prior art elements of a hair stylist type hair dryer with a barrel having a central warm-air conduit in a coaxial cold-air conduit to prevent a user from being burned during extended use as taught by Berryman according to known methods to yield the predictable results of a hair stylist type hair dryer with a barrel having a central warm-air conduit in a coaxial cold-air conduit to prevent a user from being burned during extended use. One would be motivated to combine Kaeriyama with Berryman because Berryman teaches a hair dryer that reduces the heating of the barrel by using a coaxial cold-air conduit to prevent the user from being burned and Kaeriyama could be similarly improved by having a similar barrel, thus better ensuring that the user is not burned by the barrel.

21. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino (US Patent No. 5,555,637) as applied to claim 1 above, and further in view of Kaeriyama (JP 03 009 703 A).

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22. In regards to claims 3-4 and 6, Montagnino discloses the claimed invention, except for wherein the barrel portion is heat-insulated from the outside, wherein the second handle grip and the barrel portion are embodied as heat-insulated from the outside, and wherein the first and second handle grips are each provided with a nonslip surface. However, Kaeriyama teaches wherein a barrel portion is heat-insulated from the outside (page 8, lines 8-24 describing achieving heat insulation by making the barrel portion with thicker walls which is in contrast to an internal cold-air conduit), wherein a second handle grip and a barrel portion are embodied as heat-insulated from the outside (fig. 4 showing the entire barrel portion including the second handle grip portion being heat-insulated from the outside, page 8, lines 8-24), and wherein a first (5, fig. 2) and second (4, fig. 2) handle grips are each provided with a nonslip surface (fig. 2 showing antislip ribs on the first 5 and second 4 handle grips, “antislip rib 25” page 8, line 11) in order to provide greater heat insulation to the barrel portion (page 8, lines 8-24) and to prevent slipping (page 8, line 11) when gripping the barrel portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Montagnino reference, to include wherein the barrel portion is heat-insulated from the outside, wherein the second handle grip and the barrel portion are embodied as heat-insulated from the outside, and wherein the first and second handle grips are each provided with a nonslip surface, as suggested and taught by Kaeriyama, for the purpose of providing greater heat insulation to the barrel portion and preventing slipping when gripping the barrel portion. The Applicant is combining prior art elements according to known methods to yield predictable results. The Applicant is combining the prior art elements of a hair dryer having a heat insulated barrel portion where the barrel portion and handle are grasped by a user as disclosed by Montagnino

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with the prior art elements of a hair dryer having a heat insulated barrel portion insulated from the outside where the barrel portion and handle have nonslip surfaces that are grasped by a user as taught by Kaeriyama according to known methods to yield the predictable results of a hair dryer having a heat insulated barrel portion insulated from the outside where the barrel portion and handle have nonslip surfaces that are grasped by a user. One would be motivated to combine Montagnino with Kaeriyama because Kaeriyama teaches that a hair dryer barrel portion can be cooler when grasped by having the barrel heat insulated from the outside and easier to grip by having nonslip surfaces and Montagnino could be similarly improved by having its barrel heat insulated from the outside and by having nonslip surfaces, thus making the barrel portion even cooler to better ensure that the user is not burned and to better ensure that the user can maintain a good grip on the hair dryer.

23. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino (US Patent No. 5,555,637) as applied to claim 1 above, and further in view of Berryman (US Patent No. 3,612,824).

24. In regards to claims 10-11, Montagnino discloses the claimed invention, except for wherein a one-legged toggle switch is provided as the cold air combination switch and wherein two-legged toggle switch is provided as the cold air combination switch. However, Berryman teaches wherein a one-legged toggle switch (17, fig. 1) is provided as the cold air combination switch (col. 2, lines 25-26) in order to provide an air blower in which the temperature of the discharging air can be controlled over a wide temperature range (col. 1, lines 26-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Montagnino reference, to include wherein a one-legged toggle switch is provided

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as the cold air combination switch, as suggested and taught by Berryman, for the purpose of providing an air blower in which the temperature of the discharging air can be controlled over a wide temperature range. The Applicant is simply substituting one known element for another to obtain predictable results. The Applicant is simply substituting the known element of a pushbutton switch provided as the cold air combination switch as disclosed by Montagnino for the known element of a one-legged toggle switch provided as the cold air combination switch as taught by Berryman to obtain the predictable result of a one-legged toggle switch provided as the cold air combination switch. One would be motivated to combine Montagnino with Berryman because Berryman teaches a hand held dryer that actuates cold air using a simple toggle switch and Montagnino could be similarly improved by using a simple toggle switch, thus alleviating the user from having to continuously holding down a pushbutton type switch by substituting it for a toggle switch to provide cold air without having to continuously hold the switch.

Montagnino as modified by Berryman discloses the claimed invention, except for the toggle switch being a two-legged toggle switch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a switch having two legs rather than one, for the purpose of making it easier for a user to control the switch from different angles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COREY HALL whose telephone number is (571)270-7833. The examiner can normally be reached on Monday - Friday, 9AM to 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on (571)272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Corey Hall/

Examiner, Art Unit 3743

/Kenneth B Rinehart/

Supervisory Patent Examiner, Art Unit 3743